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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/351,747

07/08/1999

RICHARD PRESCOTT SKILLEN

HQ0045A

1165

7590

04/06/2004

GARLICK & ASSOCIATES  
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EXAMINER

JUNG, DAVID YIUK

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 04/06/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/351,747

Applicant(s)

SKILLEN ET AL.

Examiner

David Y Jung

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.  
2a) ☒ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9, 11-19, 75-79, 107 and 108 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-6, 9, 11-19, 75-79, 107 and 108 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☒ Claim(s) 7, 8, 10, 29-74, 86-106 and 109-113 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### CLAIMS PRESENTED

In the outstanding response from applicant regarding restriction, applicant stated that claims 1-6, 9, 11-19, 75-79 and 107-108 should be examined together.

Thus, the other claims are (for now) withdrawn from consideration.

### RESPONSE TO ARGUMENTS

The arguments in the amendment of 10/9/2003 state that the cited references (Pointcast and Sullivan) do not teach the claimed invention.

At page 28, the amendment argues regarding Sullivan. The arguments can be summarized as stating that the "selling of keywords" of Sullivan do not correspond to the "correlating the search argument to particular advertisement." The Office disagrees. Sullivan was referring to the state of search engines. Search engines (then and now) were particularly used for such handling of advertisements. See, for instance, [www.google.com](https://adwords.google.com/select/advantages.html) 's <https://adwords.google.com/select/advantages.html> (attached to this Office Action). This website is not given as prior art; rather, the website is given to illustrate a typical use of search engine (then and now). This gives a typical use of search engines (then and now): keywords of search arguments are used to correlate to the advertisement. Thus, cited passages of Sullivan (as Sullivan directly mentions search engines in such fashion) would teach such "correlating the search argument to particular advertisement" of the claimed invention.

From page 28 and on, the amendment argues regarding Pointcast. The arguments can be summarized as stating that the "search arguments" are not shown in Pointcast. Even assuming (for the sake of argument) that this is true, this does not overcome the fact that Sullivan (the other reference) does teach "search arguments."

Thus, the claimed invention was taught by the cited references (Pointcast and Sullivan).

### **CLAIM REJECTIONS**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The text of the rejections (of Office Action dated 6/11/2003) are referred in this present action. The text of those rejections can, of course, be found in that Office Action dated 6/11/2003.

Claims 1-6, 9, 11-19, 75-79 and 107-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pointcast and Sullivan (as noted in the Office Action dated 6/11/2003).

### ***Conclusion***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

### ***Points of Contact***

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 746-7239, (for formal communications intended for entry)

**Or:**

(703) 746-5606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (703) 308-5262 or Greg Morse whose telephone number is (703) 308-4789.

David Jung

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Patent Examiner

2004-04-03

A handwritten signature in black ink, appearing to be 'David Jung', with a long horizontal stroke extending to the right.